

December 22, 2022

**VIA ECF**

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**Re: Kira Boyle v. NYCTA, No. 1:21-cv-10251**

Dear Judge Failla:

This firm represents the Defendant, New York City Transit Authority (“Defendant”), in the above-referenced action. Consistent with Your Honor’s Individual Rules and Procedures and Local 7.1(d), the parties write jointly to respectfully request a 60-day extension of the fact and expert discovery deadlines to end concurrently on March 7, 2023. Pursuant to the Court’s October 21, 2022 Order granting the extension of time for fact discovery, the end date for all fact and expert discovery is currently set for January 6, 2023. This is the parties’ second request for an extension of time, but the first request that will impact subsequent deadlines.

An extension is necessary because of delays created by a fact witness testing positive for Covid-19, Plaintiff’s inability to appear for a scheduled expert evaluation due to a last minute work conflict with her new employer, and the difficulty of obtaining dates for expert depositions due to the doctors’ busy schedules. Notwithstanding, the parties have been working diligently and in good faith to complete discovery in a timely manner. Namely, the parties have almost completed fact discovery, Plaintiff has taken the deposition of eight fact witnesses, Defendant has taken the deposition of Plaintiff, and Plaintiff has been re-scheduled to be evaluated by Defendants’ expert on January 20, 2023.

The additional time will allow the parties to complete the two remaining fact depositions (one of which is still recovering from Covid-19), exchange expert reports after the Plaintiff’s expert evaluation, and complete the depositions of three expert witnesses.

Accordingly, the parties jointly respectfully request a 60-day extension of fact and expert discovery to end on March 7, 2023.

The parties thank the Court for its time and consideration of this matter.

Hon. Katherine Polk Failla  
December 22, 2022  
Page 2

**HOGUET NEWMAN**  
**REGAL & KENNEY,LLP**

Respectfully,

A handwritten signature in blue ink, reading "Miriam Manber". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Miriam Manber